

CITY OF SAN ANTONIO
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By: /s/ Judith D. Sanchez
JUDITH D. SANCHEZ
State Bar No. 17570780


**ATTORNEY FOR DEFENDANT,
CITY OF SAN ANTONIO**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been sent to the following, by the method indicated, on April 16, 2020, to:

Richard S. Hoffman
611 S. Congress, #210
Austin, Texas 78704
Telephone: (512) 217-7383
Fax: (512) 322-9802
Email: rhoff88302@aol.com
Counsel for Plaintiffs

Via CM/ECF


N. Mark Ralls

DEFENDANTS' JOINT DESIGNATION OF TESTIFYING EXPERT

It is the specific intention of Defendants to herewith supplement each and every discovery request propounded by the Plaintiffs, if any, which pertains to expert witnesses.

Although Defendants are designating individuals herein as experts, Defendants have not finally determined whether the individuals so designated will be called to testify at the time of trial. Defendants reserve the right to call or not call and/or de-designate any expert designated herein based upon the professional judgment of Defendants' attorneys at or before trial. Defendants reserve the right to further supplement their designation of experts as deemed necessary.

Defendants designate the following expert witnesses who may testify at time of trial:

- 1) Albert Ortiz
3926 River Falls
San Antonio, Texas 78259
(210) 545-6659**

Mr. Ortiz is an expert on law enforcement matters, including but not limited to training, supervision, tactics, discipline, use of force, arrest, search and seizure and all other facets of law enforcement. Mr. Ortiz will testify to the opinions set forth in his report. Defendants are attaching the report of Mr. Ortiz containing a listing of all information considered by him in reaching his opinions and conclusions regarding the incident made the basis of this lawsuit, and the bases therefore. Mr. Ortiz's report is attached hereto as Exhibit "A" and incorporated herein by reference for any and all purposes as though set forth verbatim. Additionally, attached hereto as Exhibit "B" and incorporated herein by reference for any and all purposes as though set forth verbatim, is Mr. Ortiz's curriculum vitae. Also, attached hereto as Exhibit "C" and incorporated herein by reference for any and all purposes as though set forth verbatim, is Mr. Ortiz's record of deposition and live testimony

Expected exhibits to which this witness may refer or rely upon when giving his testimony at trial are not fully known at this time but are expected to include related police records, relevant literature, any written report of this witness or other expert witness designated by any other party hereto, and any of the testimony of any party or other witness, the documents produced in this cause, depositions in this cause, and exhibits to said depositions. Defendants will supplement their list of expected trial exhibits and expected testimony as discovery proceeds in this case. This witness may refer to or rely upon any exhibit shown to or admitted into evidence by any other witness. Finally, Mr. Ortiz reserves the right to supplement and amend his report and opinions based on additional records.

Defendants also incorporate herein for all purposes as though set forth verbatim, the testimony of Mr. Ortiz in his oral deposition reflecting his opinions and conclusions and the bases therefore, at such time as it is taken herein.

Mr. Ortiz is compensated at the rate of \$250.00 per hour for review and creation of documents, and consultations with attorneys. Deposition and trial testimony is charged at a flat rate of \$1,500.00.

2) J. Rod McCutcheon
203 Kiowa Drive North
Lake Kiowa, Texas 76240
(210) 683-8062

Mr. McCutcheon is an expert on forensic toxicology. Mr. McCutcheon will testify to the matters and opinions set forth in his report. Defendants are attaching the report of Mr. McCutcheon containing a listing of all information considered by him in reaching his opinions and conclusions regarding the incident made the basis of this lawsuit, and the bases therefore. Mr. McCutcheon's report is attached hereto as Exhibit "D" and incorporated herein by reference for any and all purposes as though set forth verbatim. Additionally, attached hereto as Exhibit "E" and incorporated herein by reference for any and all purposes as though set forth verbatim, is Mr. McCutcheon's curriculum vitae. Also, attached hereto as Exhibit "F" and incorporated herein by reference for any and all purposes as though set forth verbatim, is Mr. McCutcheon's record of deposition and live testimony.

Defendants also incorporate herein for all purposes as though set forth verbatim, the testimony of Mr. McCutcheon in his oral deposition reflecting his opinions and conclusions and the bases therefore, at such time as it is taken herein.

Mr. McCutcheon is compensated at the rate of \$300.00 per hour. He charges a minimum of \$900.00 for deposition testimony (\$300.00 per hour after 3 hours), and \$2,400.00 per day for trial testimony (\$1,200.00 minimum).

DESIGNATION OF NON-RETAINED EXPERTS

To the extent that their training, experience, and education qualify them as experts, and to the extent such individuals may provide testimony determined to be of an expert nature, and without adopting the opinions and/or conclusions of these witnesses, Defendants list the following as non-retained expert witnesses. Defendants list them solely to reserve and preserve the right to use any and all of their testimony and to fully examine and cross-examine them at trial. Defendants refers the parties to all records obtained by Deposition by Written Questions, statements, investigative files and/or deposition testimony of each of these witnesses for the substance of their expected testimony. It is also expected that these witnesses will render opinions on those issues contained in Defendants' most recent pleading on file with the court on which they are qualified to testify. For clarity purposes, Defendants state that all of the persons listed below are fact witnesses. Defendants list them as experts only because, at the time of trial, the Court may determine that they cannot testify to their opinions and conclusions without such an expert designation. Defendants may or may not elicit expert opinions from them at the time of trial. Defendants reserve the right to call them, in person, by deposition or by records, at the time of trial.

Defendants designate the following non-retained expert witnesses who may testify at time of trial:

Any and all Officers, Employees, and the Custodian of Records of the San Antonio Police Department, 315 S. Santa Rosa, San Antonio, Texas including but not limited to:

Officer Crystal Alsip
Detective R. Aguilar
Detective Michael Alvarez
Detective Rachel Barnes
Officer Philip Basile
CSI Sgt. K. Bender
Detective Edward Campos
Officer Marco Cantu
CSI Olinda Cardenas
Jonathan Cokerman
Officer Justin Delgado
Officer Jordan Diehl
Officer Angel Espinoza
Officer Bianca Garcia
Officer Daniel Gomez
Officer Robert Harralson
CSI Kenneth Hayles
Officer Nathan Hubert
Sergeant James Jones
Detective R. Juarez
Sergeant Richard Limon
Officer Patience Markich
Sergeant Kris Maurice
Officer Sandra Mc Cormick
Sergeant W. McCourt
Chief William McManus
Captain Ricky Meyer
Lieutenant Michael Mosley
Officer Ashley Ortiz
Detective R. Perez
Officer Matthew Pierson
Officer Christopher Potts
Officer Robert Rodriguez, Jr.
Detective Lawrence Saiz
Officer Angel Sandoval
Officer John Slaughter
Detective Ronald Soto
Officer Ernest Stevens
Officer Joshua Thomas
Detective George Valdez
Captain Timothy Vaughan
Officer Theo Weathersbee

Any and all Firefighters, Paramedics, Employees, and the Custodian of Records of the San Antonio Fire Department, 315 S. Santa Rosa, San Antonio, Texas including but not limited to:

Juan Avila
Michael Bragg
Kenneth Galan
R. Galindo
Laura Gurriere
Jennifer Park
J. Stevens
Daniel Gonzales

Any and all officers, employees, and the Custodian of Records of the Bexar County Medical Examiner's Office, 7337 Louis Pasteur, San Antonio, Texas 78229-4565, (210) 335-4000, including but not limited to:

Dr. Randall Frost
William D. McClain, M.D.
Dr. D. Kimberly Molina
Veronica Hargrove, Ph.D.
Justin Trevino
Jennifer Flores

Defendants reserve the right to further supplement their Designation of Expert Witnesses as deemed necessary.